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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

APR 14 2000  
 FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Public Service Commission of Kentucky	)	NSD File No. L-00-08
Petition for Additional Delegated Authority to	)	
Implement Number Conservation Measures	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996	)	

**COMMENTS  
 OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA)<sup>1</sup> hereby files its comments on the petition filed by the Public Service Commission of Kentucky (Kentucky) for delegation of additional authority to implement various number conservation methods in the above-captioned proceeding.<sup>2</sup> In its petition, Kentucky seeks delegated authority to: (1) enforce number assignment standards, including reclamation of NXX codes and thousand-number blocks within those codes; (2) implement mandatory thousand number block assignments within Local Number Portability (LNP) capable areas; (3) require sequential number assignments by carriers; (4) require submission of number utilization and forecast information; (5) audit carriers' use of numbering resources; and (6) accomplish other tasks necessary to perform the functions enumerated above.

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<sup>1</sup> The United States Telecom Association, formerly the United States Telephone Association, is the nation's oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service and are leaders in the deployment of advanced telecommunications capabilities to American and international markets.

<sup>2</sup> Public Notice, DA 00-575, released March 15, 2000 (Public Notice).

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Since Kentucky filed its petition, the Commission adopted its Report and Order and Further Notice of Proposed Rule Making in CC Docket No. 99-200 (Report and Order).<sup>3</sup> In that Report and Order, the Commission adopted a mandatory utilization data requirement, a uniform set of categories of numbers to be used by carriers to report their number utilization, and a utilization threshold framework, which are collectively designed to increase carrier accountability and incentives for carriers to use numbers efficiently. The Commission also adopted mandatory thousand block number pooling as a nationwide resource optimization strategy.

Most of the specific relief measures requested by Kentucky were addressed by the Commission in its Report and Order. Each of these measures is discussed below. Although these comments reflect that the relief requested by Kentucky generally has been accorded to all states by the Commission's action in its Report and Order, USTA does not necessarily agree with each of the Commission's determinations as the best way to develop and implement a nationwide, uniform system of numbering. The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering and that such a system is "essential to the efficient delivery of telecommunications services in the United States."<sup>4</sup> The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts "cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country."<sup>5</sup>

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<sup>3</sup> FCC 00-104, released March 31, 2000.

<sup>4</sup> Memorandum Opinion and Order and Order on Reconsideration, *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

<sup>5</sup> *Id.*

USTA believes that the Commission should adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). USTA will evaluate the Commission's actions against the overarching need to preserve and enhance effective nationwide number planning, conservation and administration.

At least twenty-two other states have filed requests with the Commission since February 1999 seeking similar individual state relief to deal with number shortages.<sup>6</sup> The Commission has now granted portions of ten of the states' requests.<sup>7</sup> USTA has filed comments on each of the petitions, opposing the states' requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA has also addressed the issue of the states' authority to implement conservation measures on an individual

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<sup>6</sup> New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (Massachusetts Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition); Texas Public Utility Commission Petition, NSD File No. 99-55 (Texas Petition); Connecticut Department of Public Utility Control Petition, NSD File No. 99-62 (Connecticut Petition); Wisconsin Public Service Commission Petition, NSD File No. L-99-64 (Wisconsin Petition); New Hampshire Public Utilities Commission Petition, NSD File No. L-99-71 (New Hampshire Petition); the Public Utilities Commission of Ohio Petition, NSD File No. L-99-74 (Ohio Petition); Indiana Utility Regulatory Commission Petition, NSD File No. L-99-82 (Indiana Petition); Nebraska Public Service Commission Petition, NSD File No. L-99-83 (Nebraska Petition); Utah Public Service Commission Petition, NSD File No. L-99-89 (Utah Petition); Missouri Public Service Commission Petition, NSD File No. L-99-90 (Missouri Petition); Iowa Utilities Board Petition, NSD File No. L-99-96 (Iowa Petition); Tennessee Regulatory Authority Petition, NSD File No. L-99-94 (Tennessee Petition); Virginia State Corporation Commission Petition, NSD File No. L-99-95 (Virginia Petition); Georgia Public Service Commission Petition, NSD File No. L-99-98 (Georgia Petition); North Carolina Utilities Commission Petition, NSD File No. 99-97 (North Carolina Petition); Arizona Corporation Commission Petition, NSD File No. 99-100 (Arizona Petition); Pennsylvania Public Utility Commission Petition, NSD File No. L-99-101 (Pennsylvania Petition); and Colorado Public Utilities Commission Petition, NSD File No. L-00-16 (Colorado Petition).

<sup>7</sup> Order on New York Petition, FCC 99-247, released September 15, 1999 (New York Order); Order on Massachusetts Petition, FCC 99-246, released September 15, 1999 (Massachusetts Order); Order on Florida Petition, FCC 99-249, released September 15, 1999 (Florida Order); Order on California Petition, FCC 99-248, released September 15, 1999 (California Order); Order on Maine Petition, FCC 99-260, released September 28, 1999 (Maine Order); Order on Connecticut Petition, DA 99-2633, released November 30, 1999 (Connecticut Order); Order on New Hampshire Petition, DA 99-2634, released November 30, 1999 (New Hampshire Order); Order on Ohio Petition, DA 99-2635, released November 30, 1999 (Ohio Order); Order on Texas Petition, DA 99-2636, released November 30, 1999 (Texas Order); and Order on Wisconsin Petition, DA 99-2637, released November 30, 1999 (Wisconsin Order).

basis in its comments and reply comments in response to the Commission's Notice of Proposed Rulemaking in CC Docket No. 99-200, (Notice).<sup>8</sup> Notwithstanding the Commission's partial grant of some of the states' requests and the Commission's recent decision in the Report and Order, USTA continues to be concerned over grant of additional authority to individual states in contravention of the nationwide number conservation policies and procedures. To the extent that Kentucky seeks additional authority that would frustrate the national number conservation plan, USTA opposes the Kentucky request for the reasons articulated in its earlier pleadings. Rather than repeat the reasons stated therein, USTA hereby incorporates by reference all of its pleadings filed in the proceedings listed in footnotes 6 and 8, *supra*.

USTA provides the following comments on Kentucky's specific requests for authority in light of the Commission's recent Report and Order.

**1. Return of Unused NXX Codes**

Kentucky seeks authority to reclaim NXX codes and thousand-number blocks within those codes. In the Report and Order,<sup>9</sup> the Commission granted authority to the states to investigate and determine whether code holders are using numbers in accordance with Commission-specified guidelines. Furthermore, the states can direct the North American Number Plan Administrator (NANPA) to reclaim codes if a carrier's usage is not in compliance with Commission specifications. Therefore, Kentucky does not need additional authority to carry out this function.

**2. Thousand Block Number Pooling**

Kentucky seeks authority to implement mandatory thousand block number pooling within Local Number Pooling (LNP) capable areas. The Commission stated that it will continue to

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<sup>8</sup> 14 FCC Rcd 10322 (1999).

<sup>9</sup> ¶ 237.

grant authority to states to implement thousand block pooling provided they comply with the national pooling framework and standards, as stated in the Report and Order.<sup>10</sup> States with pending petitions, such as Kentucky, are given 30 days from the release of the Report and Order to supplement their petitions to demonstrate that they possess the required criteria specified in paragraph 170 of the Report and Order. Thus, Kentucky has the opportunity to demonstrate that it should be granted the thousand block pooling authority it requested within the criteria set forth by the Commission.

### **3. Sequential Number Assignment**

Kentucky seeks authority to require sequential number assignment. In the Report and Order,<sup>11</sup> the Commission mandated sequential number assignment within thousand blocks for carriers' existing and new numbering resources. The Commission also gave the states oversight authority over sequential numbering assignments in the Report and Order.<sup>12</sup> USTA continues to believe there is a need for some flexibility in the assignment process and does not see the need for sequential number assignment within thousand blocks. Nevertheless, states have been granted the authority Kentucky is requesting.

### **4. Utilization and Forecast Reporting**

Kentucky requests authority to require carriers to submit utilization and forecast data. In the Report and Order,<sup>13</sup> the Commission required that all carriers report forecast and utilization data to the NANPA. While the Commission declined to give this responsibility to the states, it nevertheless is imposing a uniform reporting requirement on all carriers. To the extent that this requirement is consistent with Kentucky's objective, it satisfies Kentucky's concerns; to the

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<sup>10</sup> ¶¶ 156, 169.

<sup>11</sup> ¶ 244.

<sup>12</sup> ¶ 245.

<sup>13</sup> ¶ 40.

extent that Kentucky seeks specific authority to impose different reporting of forecast and utilization data, it is inconsistent with the Commission's determination on this subject and should not be granted.

## **5. Auditing**

Kentucky requests that it be granted authority to conduct audits of the use of carriers' numbering resources. The Commission delegated to the states authority to determine validity of utilization and forecast data initially reported to the NANPA, in the Report and Order.<sup>14</sup> In addition, the Commission granted access to carriers' semi-annual reported data, in the Report and Order.<sup>15</sup> Therefore, Kentucky is given access to carrier data and authority to determine its validity.

## **6. Additional Authority**

Kentucky seeks any other authority necessary to accomplish its objectives. The Commission did take other actions that it determined would further the objective of number conservation. For instance, the Commission adopted uniform definitions of six primary categories of number usage and directed NANC to compile uniform definitions for all secondary categories of numbers, with input from NARUC and the states, in the Report and Order.<sup>16</sup> In addition, the Commission reduced the amount of time that numbers may be held in reserve status to 45 days, in the Report and Order.<sup>17</sup> While USTA agrees with this overall delegation of authority, we have grave concerns with the length of time a number must be held in reserve status. Nevertheless, these measures, while not directly granting additional authority to the

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<sup>14</sup> ¶ 54.

<sup>15</sup> ¶ 75.

<sup>16</sup> ¶ 14.

<sup>17</sup> ¶ 23.

states, were taken with the purpose of achieving objectives similar to those sought by Kentucky. Further delegation should be unnecessary.

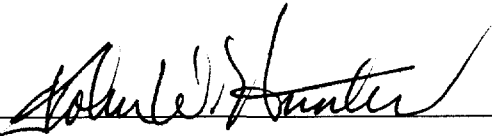
### **Conclusion**

To the extent that the Commission has already generically granted the relief sought by Kentucky, USTA submits that the Kentucky petition is moot. To the extent that Kentucky seeks additional authority beyond that granted to the states or that specified in the Report and Order, USTA opposes the request as frustrating the need for nationwide number conservation and administration standards.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By

  
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*Its Attorneys:*

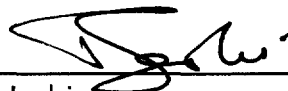
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April 14, 2000

**CERTIFICATE OF SERVICE**

I, Meena Joshi, do certify that on April 14, 2000 Comments of the United States Telecom Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.

  
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